

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVERLIDYZ BAEZ, :
Plaintiff, : 20 Civ. 1091 (LGS)
: against- : ORDER
UNITED STATES OF AMERICA et al., :
Defendants. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Complaint in this case was filed against the United States Veterans' Administration Hospital in Manhattan ("VA Hospital") and non-government Defendants New York University Langone Medical Center and Drs. Barie Salmon, Aaron Hultgren, Gordon Wu, Hassan Mohamed and Carly Ennis, P.A. ("Non-Government Defendants"). Subject matter jurisdiction was predicated on Plaintiff's claims against the VA Hospital under the Federal Tort Claims Act, 28 U.S.C. §§ 1346 and 2674 et seq., and the state-law claims against the Non-Government Defendants were subject to the Court's supplemental jurisdiction.

WHEREAS, Plaintiff's claims against the VA Hospital were settled on February 22, 2021 (Dkt. No. 36).

WHEREAS, if "the district court has dismissed all claims over which it has original jurisdiction," 28 U.S.C. § 1367(c), "the district court may then undertake the discretionary inquiry of whether to exercise supplemental jurisdiction." *Catzin v. Thank You & Good Luck Corp.*, 899 F.3d 77, 85 (2d Cir. 2018).

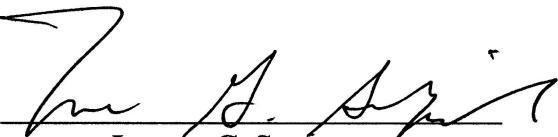
WHEREAS, Plaintiff and the Non-Government Defendants request the remaining state-law claims be dismissed so they may be re-filed in state court (Dkt. No. 40 at 2). Resolution of Plaintiff's state law claims in state court would promote "convenience, fairness, and comity,"

Catzin, 899 F.3d at 85 (quoting *Jones v. Ford Motor Credit Co.*, 358 F.3d 205, 214 (2d Cir. 2004)), while ensuring a “sure[] footed reading of applicable state law,” *Norman v. NYU Langone Health System*, No. 19 Civ. 67, 2020 WL 5819504, at *10 (S.D.N.Y. 2020). It is hereby

ORDERED that Plaintiff’s claims against the Non-Government Defendants are **dismissed** without prejudice.

The Clerk of Court is respectfully directed to close Docket Nos. 38 and 40 and the case.

Dated: March 25, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE